U. S. 373; *John D. Park & Sons Co.* v. *Hartman,* 153 Fed. 24, 12 L. R. A. (N. S.) 135; *United States* v. *Kellogg Toasted Corn Flake Co.,* 222 Fed. 725. The court found specifically that title to the machines had been passed from the plaintiff to its distributors. In the *Hartman* case, cited, the court called attention particularly to the fact that, "The reasons which might uphold covenants restricting the liberty of a single buyer might prove quite inadequate when there are a multitude of identical agreements." It is this "system of contracts", as the courts call it, which distinguishes such cases as these from the numerous ones holding single contracts in restraint of trade to be valid and enforcible. A single contract not to resell below a stipulated price was upheld in *Garst* v. *Harris,* 177 Mass. 72 and in *Clark* v. *Frank,* 17 Mo. App. 602. Even systems of such contracts have been held valid and enforcible in particular circumstances. See *Ghirardelli Co.* v. *Hunsicker,* 164 Cal. 355, distinguishing *Park & Sons Co.* v. *Hartman, supra,* on the ground that the contracts in that case involved the entire public supply of the product while those in the particular case, although they applied to all that the parties could control, covered only a part of the entire supply available to the public; *Fisher Flouring Mills Co.* v. *Swanson,* 76 Wash. 649, 51 L. R. A. (N. S.) 522; *Grogan* v. *Chaffee,* 156 Cal. 611, 27 L. R. A. (N. S.) 395; *Com.* v. *Grinstead,* 111 Ky. 203; 56 L. R. A. 709; *Cleland* v. *Anderson,* 66 Neb. 252, 5 L. R. A. (N. S.) 136N. In accord with the principal case is *Hill Co.* v. *Gray & Worcester,* 163 Mich. 12, 30 L. R. A. (N. S.) 327. A contention was made by counsel that the automobiles were covered by patents and that it is lawful "to create a monopoly in patented articles." The court answered, on the authority of such cases as *Bauer* v. *O'Donnell,* 229 U. S. 1, and *Motion Picture Patents Case,* 243 U. S. 502, that, inasmuch as plaintiff had passed the title to the distributors, the chattels were no longer subject to the patent monopoly. The court made no reference to the fact, and counsel seems not to have presented it, that a monopoly in the use, manufacture, or sale of patented articles is already created by the patent statute, and that contracts such as those involved in the case do not "create" any monopoly but simply limit the extent to which the owner of the statutory monopoly has released it. 15 MICH. L. REV. 581; *John D. Park & Sons Co.* v. *Hartman, supra.* However, even if it be logically unsound to ignore this, the cases seem likely to stand as law, if only upon the doctrine of *communis error.*

CONTRACTS—RESTRICTION UPON RESALE PRICE—VALID.—Plaintiff sued, as manufacturer of Ingersoll watches, to restrain defendant from reselling them at a price below that required by a notice affixed to each watch originally sold by plaintiff. *Held,* a motion to dismiss the bill should be denied. *Robt. H. Ingersoll & Bro.* v. *Hahne & Co.* (N. J. Ct. of Ch., 1917), 101 Atl. 1030.

The decision in this case is in flat conflict with that of the *Ford Motor Co.* case, *supra.* The facts do not show any privity of contract between the parties, but the court apparently assumes that there was a contract. In disposing of the defendant's contention that the contract, so far as it restricted the resale price, was invalid, the court said, "On the argument there was, and in counsels' brief there is, a long discussion as to whether the contract against

price cutting, evidenced by the notice, is contrary to public policy, and defendant relies upon cases in the Supreme Court of the United States as follows: (Citing the same cases relied upon as supporting the decision in the *Ford Motor Co.* case). I am now considering the public policy of the state of New Jersey as distinguished from any public policy of the United States. Unless the article is the subject of interstate commerce, I am not bound by the opinions of the Supreme Court of the United States. They are entitled to great weight and careful consideration, but it must not be overlooked that the effect of the case of *Motion Picture Patents Co.* v. *Universal Film Co.*, 243 U. S. 502, * * * (decided April 9, 1917) is a complete reversal of *Henry* v. *Dick Co.*, 224 U. S. 1. * * * Suffice it to say that, after careful consideration, I have come to the conclusion that, upon the general proposition, I agree with the dissenting opinion of Mr. Justice Holmes in *Dr. Miles Medical Co.* v. *John D. Park & Sons Co.*, 220 U. S., at p. 411."

CRIMINAL LAW—SUFFICIENCY OF INDICTMENT.—An information, charging the defendant with the crime of obtaining money by false pretenses, failed to show any causal connection between the alleged false pretenses and the surrender of the money. The defendant demurred generally to the information. The demurrer was overruled, and the defendant was convicted. He was denied a new trial, and appealed, on the ground that his demurrer should have been sustained. *Held,* that there was no ground for a reversal. *People* v. *Griesheimer,* (Cal., 1917), 167 Pac. 521.

The majority of the court, in the principal case, displayed no hesitation in totally ignoring what has become a well-settled rule of pleading. The court admits that there is no direct allegation to the effect that the money was given to the defendant because of the alleged false pretenses, states that "a direct allegation to this effect would have been more in accord with technical requirements"; but avers that "no person of common understanding could fail to understand that it was substantially charged, by necessary inference at least, that the money was paid because of the alleged false representation, and for the purpose suggested thereby," and relies, for its refusal to grant a reversal, on the provision of the California constitution providing that no judgment shall be set aside or new trial granted for error as to pleading unless the court is of the opinion that it resulted in a miscarriage of justice. In a strong and well-reasoned dissenting opinion, HENSHAW, J. takes issue with the majority of the court, and upholds a fundamental rule of pleading that every indictment or information must contain direct averments, and only those inferences may be drawn therefrom which the law itself draws, and the omission to charge the causal connection between the false representations and the deprivation of property is a fatal defect in the indictment or information, of which the defendant may avail himself by a general demurrer. The minority opinion likewise attacks the argument of the majority based on the constitutional provision, declaring that, merely because a guilty man has been found guilty, it does not follow that there has been no "miscarriage of justice," but that there has been a "miscarriage of justice" whenever any man has been forced to trial upon a criminal charge under an indictment or infor-